

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

ANDREW CORZO, SIA HENRY, ALEXANDER  
LEO-GUERRA, MICHAEL MAERLENDER,  
BRANDON PIYEVSKY, BENJAMIN SHUMATE,  
BRITTANY TATIANA WEAVER, and  
CAMERON WILLIAMS, individually and on  
behalf of all others similarly situated,

Plaintiffs,

v.

BROWN UNIVERSITY, CALIFORNIA  
INSTITUTE OF TECHNOLOGY, UNIVERSITY  
OF CHICAGO, THE TRUSTEES OF COLUMBIA  
UNIVERSITY IN THE CITY OF NEW YORK,  
CORNELL UNIVERSITY, TRUSTEES OF  
DARTMOUTH COLLEGE, DUKE UNIVERSITY,  
EMORY UNIVERSITY, GEORGETOWN  
UNIVERSITY, THE JOHNS HOPKINS  
UNIVERSITY, MASSACHUSETTS INSTITUTE  
OF TECHNOLOGY, NORTHWESTERN  
UNIVERSITY, UNIVERSITY OF NOTRE DAME  
DU LAC, THE TRUSTEES OF THE  
UNIVERSITY OF PENNSYLVANIA, WILLIAM  
MARSH RICE UNIVERSITY, VANDERBILT  
UNIVERSITY, and YALE UNIVERSITY,

Defendants.

Case No.: 1:22-cv-00125

**Hon. Matthew F. Kennelly**

**PLAINTIFFS' REPLY MEMORANDUM OF LAW IN SUPPORT OF  
THEIR MOTION TO COMPEL MIT TO REOPEN  
ITS 30(b)(6) DEPOSITION FOR LIMITED PURPOSES**

Plaintiffs respectfully request that the Court consider this Reply Memorandum and the attached exhibits in further support of their Motion to Compel so that Plaintiffs may respond to certain assertions in MIT's Opposition to Plaintiffs' Motion to Compel ("Opp.") and provide the

Court with further documentary evidence that [REDACTED]

[REDACTED] s about which their Rule 30(b)(6) designee was unaccountably unprepared to testify.

Plaintiffs' Motion to Compel demonstrated through testimony and documentary evidence that [REDACTED]

[REDACTED]. MIT claims in opposition that Mr. duKor-Jackson was [REDACTED]

[REDACTED] Opp. at 14. The testimony shows otherwise:

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

duKor-Jackson Tr. (Ex. 3 to Mot. to Compel) 67:2-16. This exchange makes clear that the witness was not adequately prepared to testify concerning [REDACTED], even though it was a Rule 30(b)(6) noticed topic (and it had been discussed at several depositions in the case).

[REDACTED]

[REDACTED] In March 2019, former MIT Admissions Director McGregor Crowley wrote to the Boston Globe about his experiences at MIT:

[I]n truth, for every office of admissions there is a development office that builds a university's endowment through donations from alumni and wealthy individuals. And every year, regardless of what a college or university says publicly, a number

of children of wealthy donors and alumni get a nod in their direction while other applicants are rejected.

Ex. 1 hereto.<sup>1</sup> In December 2019, the *Boston Globe* cited Mr. Crowley's letter in an editorial writing that "contrary to the publicly stated policy of the institute, it, like other universities has routinely favored children of wealthy donors and alumni." Ex. 2 hereto.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Ex. 3 hereto (MIT LIT-000117897). Mr. Schmill responded:

[REDACTED]

*Id.* This correspondence thus references [REDACTED] about which MIT's Rule 30(b)(6) witness lacked any familiarity.

As shown in Plaintiffs' Motion, during his deposition, Mr. Waitz testified that [REDACTED]

[REDACTED]

---

<sup>1</sup> Likewise, following her resignation after it was discovered that she had falsified her resume and credentials, MIT's former Dean of Admissions for the years 1999-2007, wrote that to be admitted to MIT, an applicant needs a "hook," which she defined as an "institutional need, something the schools want but will never tell the public about" and specifically mentioned "children of major donors or celebrities." Ex. 4 hereto. She later authored a presentation that explained that colleges admit students to satisfy their "Institutional Needs" which include creating "financial stability within the school's cultural context by assuring that certain populations are admitted and enrolled" and these needs are "not communicated to the public." Ex. 5 hereto.

[REDACTED]. MIT now claims in its Opposition that [REDACTED]. Not so. MIT's contemporaneous internal documents support Mr. Waitz's testimony and show that [REDACTED] as shown in Exhibits 24 and 25 to the Motion to Compel, but also [REDACTED]. *See* Ex. 6 (MITLIT000124248).<sup>2</sup>

[REDACTED]

[REDACTED]

[REDACTED]

*Id.* (emphasis added). This further supports Plaintiffs' argument that [REDACTED] that MIT did not prepare its Rule 30(b)(6) witness to discuss even though Plaintiffs Rule 30(b)(6) Notice covered [REDACTED]

Finally, MIT in opposition claims that MIT's Dean of Admissions [REDACTED]

[REDACTED]

[REDACTED] (Br. at 4). MIT's pre-litigation, contemporaneous internal documents, including [REDACTED] undercuts this claim as well. *See* Ex.5 to the Motion (MITLIT-000089375). [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] *Id.* [REDACTED]

---

<sup>2</sup> An email from December 22, 2018 (MITLIT-000124345) (Ex. 7) references a [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

*Id.* (emphasis added).

Dated: May 23, 2024

By: /s/Robert D. Gilbert

Robert D. Gilbert  
Elpidio Villarreal  
Robert S. Raymar  
Natasha Zaslove  
**GILBERT LITIGATORS &  
COUNSELORS, P.C.**  
11 Broadway, Suite 615  
New York, NY 10004  
Phone: (646) 448-5269  
rgilbert@gilbertlitigators.com  
pdvillarreal@gilbertlitigators.com  
rraymar@gilbertlitigators.com  
smagnusson@gilbertlitigators.com  
nzaslove@gilbertlitigators.com

Respectfully Submitted,

/s/ Edward J. Normand

Devin “Vel” Freedman  
Edward J. Normand  
Peter Bach-y-Rita  
**FREEDMAN NORMAND  
FRIEDLAND LLP**  
99 Park Avenue, Suite 1910  
New York, NY 10016  
Tel: 646-970-7513  
vel@fnf.law  
tnormand@fnf.law  
pbachyrita@fnf.law

/s/Eric L. Cramer

Eric L. Cramer  
Ellen T. Noteware  
**BERGER MONTAGUE PC**  
1818 Market Street, Suite 3600  
Philadelphia, PA 19103  
Tel: 215-875-3000  
ecramer@bm.net  
enoteware@bm.net

Daniel J. Walker  
Robert E. Litan  
Hope Brinn  
**BERGER MONTAGUE PC**  
1001 G Street, NW

Suite 400 East  
Washington, DC 20001  
Tel: 202-559-9745  
rlitan@bm.net  
dwalker@bm.net  
hbrinn@bm.net

Richard Schwartz  
**BERGER MONTAGUE PC**  
1720 W Division  
Chicago, IL 60622  
Tel: 773-257-0255  
rschwartz@bm.net

*Counsel for Plaintiffs*